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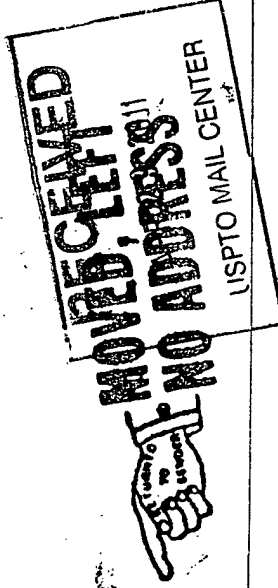
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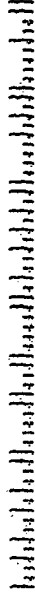


NIXIE QAS DC 1 QD 04/28/11

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
10/601,606	06/23/2003	Christopher Dube	DR-352J	8958

7590 04/07/2011
IANDIORIO & TESKA
INTELLECTUAL PROPERTY LAW ATTORNEYS
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

EXAMINER

FOX, JOHN C

ART UNIT	PAPER NUMBER
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3753

MAIL DATE	DELIVERY MODE
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04/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECEIVED
OPAP/IAP
MAY 04 2011

Notice of Abandonment

Application No.

10/601,606

Examiner

John Fox

Applicant(s)

DUBE ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10 September 2010.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/John Fox/
Primary Examiner
Art Unit: 3753

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PROPOSED NEW PROGRAM: "TRACK ONE" ACCELERATED PATENT EXAMINATION:

On February 4, 2011, the USPTO published in the Federal Register a notice of proposed rulemaking, titled "Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures." The "Three-Track" program is designed to enable applicants to choose the speed with which their patent application is processed. Track I will give applicants the opportunity for prioritized examination of a patent application within 12 months of its filing date for a fee. The Federal Register notice requests comments from the public on a number of different proposed requirements for participation in Track I, including (a) a prioritized examination fee, which is in addition to the current filing fees, the publication fee, and a processing fee; (b) limits on the number of claims to four independent claims and 30 total claims; (c) application filing through the USPTO's electronic filing system (EFS-Web); and other such requirements. The comment period closed 30 days after February 4, 2011. For complete information see the notice at 76 Fed. Reg. 6371.

In preparation for this initiative, look for further announcements including a final notice.

Other available programs which allow prioritized examination include:

PATENT PROSECUTION HIGHWAY PILOT PROGRAM: An applicant receiving a ruling from the Office of First Filing (OFF) that at least one claim in an application filed in the OFF is patentable may request that the Office of Second Filing (OSF) fast track the examination of corresponding claims in a corresponding application in the OSF. For further information, see http://www.uspto.gov/patents/init_events/pph/index.jsp and the Federal Register notice of May 25, 2010, (75 Fed. Reg. 29312).

GREEN TECHNOLOGY PILOT PROGRAM: An application pertaining to green technologies including greenhouse gas reduction (applications pertaining to environmental quality, energy conservation, development of renewable energy resources or greenhouse gas emission reduction) may be advanced out of turn for examination. The USPTO has expanded the eligibility for the pilot program to include applications irrespective of filing date and classification, and extended the program until December 31, 2011. For complete information see http://www.uspto.gov/patents/init_events/green_tech.jsp

PROJECT EXCHANGE: An application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. Special status for examination is accorded if the applicant is able to satisfy (i) the requirements set forth in the June 24, 2010 Federal Register notice titled "Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan" and (ii) the conditions sets forth in the November 27, 2009 Federal Register notice titled "Patent Application Backlog Reduction Stimulus Plan," other than the small entity requirement, which was eliminated. This procedure allows applicants having multiple applications currently pending before the USPTO to have greater control over the priority with which their applications are examined. The program has been extended to December 31, 2011. For full details visit http://www.uspto.gov/patents/init_events/PatentStimulusPlan.jsp#heading-1

ACCELERATED EXAMINATION: The USPTO will prioritize an application for examination if the applicant files a grantable petition to make special under the accelerated examination program. Under this program applicant can expect examination before the examiner to be disposed of within 12 months of filing of the application. Requirements include a complete application upon filing and a petition filed on the same day. The petition must include, *inter alia*, documentation of a prior art search and a discussion of the most relevant references and the patentability of the claims over those references. For complete details see MPEP § 708.02(a) and <http://www.uspto.gov/patents/process/file/accelerated/index.jsp>

PEER REVIEW PILOT PROGRAM FY 2011: A notice titled "A New Pilot Program Concerning Public Submission of Peer Reviewed Prior Art" published in the *Official Gazette* on December 28, 2010. The notice provides details about the viability of using Internet technologies and the power of crowdsourcing to uncover potentially useful prior art for consideration by patent examiners during the examination process. For more information on the pilot and how to participate, visit http://www.uspto.gov/patents/init_events/peerpriorartpilotindex.jsp